

REMARKS

Claims 1 to 9, 12 to 16, 18 to 24, 40 to 42, and 44 to 59 continue to be under consideration

The Office Action refers to ***Priority***

1. Receipt is acknowledged of papers filed under 35 U.S.C. 119 (a)-(d) based on an application filed in Germany on July 12, 2002 and filed in Europe on July 8, 2003. Applicant has not complied with the requirements of 37 CFR 1.63(c), since the oath, declaration or application data sheet does not acknowledge the filing of any foreign application. A new oath, declaration or application data sheet is required in the body of which the present application should be identified by application number and filing date.

Although Applicant stated in Applicant's Remarks, filed August 13, 2007, that a new declaration was being prepared for execution, such a declaration has not yet been received by the Office. Therefore, Applicant has not yet complied with the requirements of 37 CFR 1.63(c).

Applicants are submitting herewith a revised inventor declaration.

The Office Action refers to Ex Parte Qualye

2. This application is in condition for allowance except for the following formal matters.

Applicants very much appreciate that this application is found to be in condition for allowance.

The Office Action refers to Claim Objections.

3. Claims 3-8, 12-16, 18,20-22,24,40-42,44,48, 51, 52, and 57-59 stand objected to because of the following informalities, which appear to be minor draft errors including grammatical and/or lack of antecedent basis problems.

In the following format (location of objection; suggestion for correction), the following correction(s) may obviate the objection(s): (claim 3, line 2; deleting the hyphen before "when"), (claim 8, line 8, in the phrase "structure,"; replacing the comma with a semi-colon), (claim 8, line 13, in the phrase "coordinate measuring instrument,"; replacing the comma with a semicolon), (claim 8, line 17, in the phrase "tolerance deviation at most,"; replacing the comma with a semi-colon), (claim 12, line 7; inserting a comma before "or an ultrasonic"), (claim 12, line 20; deleting the period after "by"), (claim 13, line 27, in the phrase "target position of the structure,"; replacing the comma with a semi-colon), (claim 13, line 32, in the phrase "coordinate measuring instrument,"; replacing the comma with a semi-colon), (claim 13, line 35, in the phrase "tolerance deviation at most,"; replacing the comma with a semi-colon), (claim 13, line 45, in the phrase "(i)." ; replacing the period with a comma), (claim 14, line 20; deleting the period after "CT"), (claim 14, line 24, in the phrase "active detector surface,"; replacing the comma with a semi-colon), (claim 14, line 30, in the phrase "most, and"; replacing the comma with a semicolon), (claim 16, line 3; deleting the dash), (claim 20, line 12, in the phrase "a target, position"; deleting the comma), (claim 21, line 25; replacing "allows" with —is used—), (claim 24, line 5, in the phrase "the axis, of rotation"; deleting the comma), (claim 40, line 9; inserting —a-- before "coordinates of the object"), (claim 40, line 11; replacing "a)" with —b—), (claim 40, line 14; replacing "b)" with -c~), (claim 40, line 16; replacing "c)" with -d-), (claim 41, line 8; replacing "ML" with -MI-), (claim 41, line 21; replacing "allows" with -is used-), (claim 48, line 3; deleting the period after "CT"), (claim 51, line 4; deleting the period after "and"), and (claim 52, line 4; replacing the comma with a period).

Applicants are amending the application in accordance with the kind proposals in the Office Action.

Claims 4-7, 15, 18, 22, 42, 44, and 57-59 stand objected to by virtue of their dependency. For purposes of examination, the claims have been treated as such. Appropriate correction is required.

The present amendments are deemed to obviate the objections to claims 4-7, 15, 18, 22, 42, 44, and 57-59.

4. Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 25 USPQ 74, 453 O.G. 213, (Comm'r Pat. 1935).

A shortened statutory period for reply to this action is set to expire TWO MONTHS from the mailing date of this letter.

Applicants respectfully petition for a one month extension of time to respond to the Office Action.

The Office Action refers to Allowable Subject Matter

Claims 1, 2, 9, 19, 23, 45-47, 49, 50, and 53-56 are allowed. Claims 3-8, 12-16, 18, 20-22, 24,40-42,44,48, 51, 52, and 57-59 would be allowable if rewritten or amended to overcome the respective claim objections set forth in this Office action.

Applicants appreciate very much the indication of allowability of claims 1, 2, 9, 19, 23, 45-47, 49, 50, and 53-56. The present amendment furnishes amendments to the objections referring to claims 3-8, 12-16, 18, 20-22, 24,40-42,44,48, 51, 52, and 57-59.

Applicants believe that these amendments will render claims 1 to 9, 12 to 16, 18 to 24, 40 to 42, and 44 to 59 allowed.

The following is a statement of reasons for the indication of allowable subject matter.

Applicants appreciate the statement of the Examiner in the Office Action relating to the reasons for allowing the claims.

Reconsideration of all outstanding rejections is respectfully requested.

All claims as presently submitted are deemed to be in form for allowance and an early notice of allowance is earnestly solicited.

Respectfully submitted,

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